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10 Attorneys for Defendants  
11 **FIRST FRANKLIN FINANCIAL CORP., (erroneously named**  
12 **as FIRST FRANKLIN LOAN SERVICES, Subsidiary of FIRST**  
13 **FRANKLIN FINANCIAL CORPORATION) MORTGAGE ELECTRONIC**  
14 **REGISTRATION SYSTEMS, INC., and LASALLE BANK, N.A. (erroneously named as**  
15 **LASALLE BANK NATIONAL ASSOCIATION)**

16 **UNITED STATES DISTRICT COURT**  
17 **FOR THE DISTRICT OF NEVADA**

18 RICHARD S GALE,

19 Plaintiff,

20 v.

21 FIRST FRANKLIN LOAN SERVICES, a  
22 Subsidiary of FIRST FRANKLIN FINANCIAL  
23 CORPORATION, a Delaware Corporation;  
24 MORTGAGE ELECTRONIC REGISTRATION  
25 SYSTEMS, INC., a Delaware Corporation, CAL-  
26 WESTERN RECONVEYANCE CORPORATION,  
27 a California Corporation, LASALLE BANK  
28 NATIONAL ASSOCIATION; and DOES I  
THROUGH X, inclusive; and ROE  
CORPORATION XX through XXX, Inclusive.

Defendants.

Case No.: 2:08-1615-RCJ-PAL

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION TO DISMISS  
COMPLAINT OR IN THE ALTERNATIVE  
FOR SUMMARY JUDGMENT**

**TO THE COURT, PLAINTIFF AND ANY OTHER PARTIES IN THIS ACTION:**

Pursuant to Federal Rules of Evidence, Rule 201(f), Defendant, FIRST FRANKLIN FINANCIAL CORPORATION (erroneously named as First Franklin Loan Services, subsidiary of First Franklin Financial Corporation), MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC., and LASALLE BANK, N.A. (erroneously named as LaSalle Bank National Association), submits the following Request for Judicial Notice in support of its Motion to Dismiss Complaint or in the alternative Motion for Summary Judgment. The following documents are proper for judicial

notice as they are recordable official documents, referenced in Plaintiff's Complaint, and/or are central to the allegations of Plaintiff's Complaint. See, Ledet v. Gibson, 2007 WL 777686, 2-4 (D. Nev. 2007) (Unreported), Lee v. City of Los Angeles, 250 F.3d 668, 688 (C.A.9 2001).

Accordingly, the above named Defendants respectfully request that the Court to take judicial notice of the following documents:

1. Attached as Exhibit "A" is a copy of Plaintiff's Deed of Trust dated November 25, 2006, securing a loan for \$250,000.00 as recorded in the official records of the Clark County Recorder as Instrument No. 2007-612-0005271. This document is signed by the Plaintiff, is a public record, and is central to the allegations of Plaintiff's Complaint. (Amended Complaint ¶¶ 14, 22, 23, 35.)
2. Attached as Exhibit "B" is a copy of the Notice of Breach and Default and of Election to Cause Sale of Real Property under Deed of Trust dated August 8, 2008 as recorded in the official records of the Clark County Recorder as Exhibit No. 20080808-0003872. This document is a public record, and is central to the allegations of Plaintiff's Complaint. (Complaint ¶ 20.)
3. Attached as Exhibit "C" is a copy of the Assignment of Deed of Trust which is dated August 21, 2008. This document was recorded in the Clark County Recorder's office on August 26, 2008 as Instrument No. 20080826-0003620 and is part of the public record and is central to the allegations of Plaintiff's Complaint. (Complaint ¶ 22.)

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- 1 4. Attached as Exhibit "D" is a copy of the Notice of Trustee Sale. This document was  
2 recorded in Clark County Recorder's office, Instrument No. 20081112-0004189. This  
3 document is a public record and is central to the allegations of Plaintiff's Complaint.  
4 (Complaint ¶ 24).

5 DATED: April 10, 2009

WOLFE & WYMAN LLP

6  
7 By: /s/ Peter E. Dunkley

8 RACHEL E. DONN, ESQ.

9 Nevada Bar No.: 10568

PETER E. DUNKLEY, ESQ.

10 Nevada Bar No.: 11110

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11 Las Vegas, Nevada 89119

**Attorneys for Defendants**

12 FIRST FRANKLIN FINANCIAL CORP.,  
13 (erroneously named as FIRST FRANKLIN LOAN  
14 SERVICES, Subsidiary of FIRST FRANKLIN  
15 FINANCIAL CORPORATION), MORTGAGE  
16 ELECTRONIC REGISTRATION SYSTEMS,  
17 INC., and LASALLE BANK, N.A. (erroneously  
18 named as LASALLE BANK NATIONAL  
19 ASSOCIATION)

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**CERTIFICATE OF SERVICE**

1. On \_\_\_\_\_ I served the \_\_\_\_\_ by the following means to the persons as listed below:

\_\_\_\_ a. EFC System (you must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary):

2. On April 10, 2009 I served the REQUEST FOR JUDICIAL NOTICE by the following means to the persons as listed below:

X b. United States Mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary):

Richard S. Gale  
7836 Faith Court  
Las Vegas, NV 89131

Plaintiff in Pro Se

By: /s/ Katia Ioffe  
KATIA IOFFE  
An employee of Wolfe & Wyman LLP